



## UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

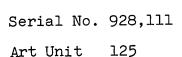
Address: COMMISSIONER OF PATENTS AND TRADEMARKS

			l	Washingt	ion, D.C. 20231		
SERIAL NUMBER FILING D	ATE		FIRST NAMED	APPLICANT	AT	TORNEY DOCKET NO.	
928,111 7/31/	′78 Jo	hn C.	Chabala	et al		161121A	
				٦	EXA	AMINER	
David L. Rose					B.Hazel	B.Hazel	
Pat. Dept. Merck P. O. Box 2000	& Co.,	Inc.			ART UNIT	PAPER NUMBER	
Rahway, N.J. 0706	55				125	5 <b>LED</b>	
This is a communication from the excommissioner					APR 2	0 1979	
_	<b>157</b> .		communication fi	2-	GROU 15.79	P 120	
This application has been examinated	ned. 🔯 Re	sponsive to	communication fi	led on	73911	This action is made fir	
A shortened statutory period for research failure to respond within the period Part I THE FOLLOWING ATTACI  1. Notice of References Cite 3. Notice of Informal Paten	I for response with the Information of the Informat	will cause th E PART Ol 892.	THIS ACTION:	Notice of In	ned. 35 U.S.C. 133		
Part II SUMMARY OF ACTION  1. Claims		-22			are	pending in the application.	
					are	withdrawn from considerat	
2. Claims					hav	ve been cancelled.	
3. Claims					· are	allowed	
4. X Claims	1-2	2			are	rejected.	
					are	objected to.	
6. Claims					are subject to re	striction or election requiren	
7. The formal drawings filed on					are acceptable.		
8. The drawing correction r	equest filed on	ı			has been ap	proved. disapproved.	
9. Acknowledgment is mad		for priority	under 35 U.S.C. 1	19. The certif	ied copy has		
			filed on				
10. Since this application ap	pears to be in c	ondition fo	r allowance except	for formal m	atters, prosecution as	to the merits is closed in ac-	

PTOL-326 (rev. 10-78)

11. Other

cordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.



Claims 1-14 and 17-22 are rejected under 35 USC 103 as obvious over the C-076 compounds used as starting materials in the preparation of the compounds instantly claimed. The hydrogenation of the double bond in these compounds is deemed prima facie obvious. There is not seen in the disclosure sufficient teachings to distinguish the instantly claimed compounds patentable over the starting compounds, e.g., unexpected property or increased activity.

Claims 15 and 16 are rejected under 35 USC 103 as obvious over the combined disclosure of the Kishi patent and the Chemical Abstract Citation 86 42838K. The Kishi et al. patent teaches the reduction of double bonds in macrolides of the type instantly claimed by hydrogenating in the presence of a suitable catalyst such as palladium charcoal, platinum oxide, etc. The Chemical Abstract Citation, supra, teaches the use of tris (triphenyl-phosphere) rhodium Cl as a catalyst in the hydrogenation of double bonds. To combine the teachings of the reference as in the instantly claimed process would appear obvious to a person of ordinary skill in the art having the above disclosures before him and desiring to catalytically reduce unsaturated macrolides.

Applicants' arguments regarding the rejections have been given careful study but are not found persuasive. The remarks in the amendment dated February 15,1979 concerning the cancellation of claims 15 and 16 have been noted, but there is no direction in the amendment to cancel

Serial No. 928,111

Art Unit 125

said claims. Applicants' remarks concerning the affidavit demonstrating the superior and unexpected properties of the instant compounds over the prior art compound can be given no weight, since said affidavit has not been received.

No claims are allowed.

This rejection is made Final.

BHazel:ebw

A/C 703

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Johnnie R. Brown Primary Examiner Art Unit 125